

IN RE: PETITION FOR SPECIAL HEARING
NE/S Yorkway, 320' SE of the
c/l of Leeway
(2611 Yorkway)
12th Election District
7th Councilmanic District
Nathan J. Winslow, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-255-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibit 1.

The Petitioners, and the Contract Purchaser, by David G. Johnston of Landex, Inc., appeared, testified and were represented by John B. Contrum, Esquire. Also appearing on behalf of the Petition were Douglas Kennedy, a registered professional engineer with KCM Consultants, Inc., who prepared Petitioner's Exhibit 1, Ron Gajewski and Griffith Davis. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner. There were no Protestants.

Testimony indicated that the subject property, known as 2611 Yorkway, was improved by a four unit apartment building in 1943 or 1944. Testimony indicated that there are two units on the first floor of the building and two units on the second floor. The basement portion of the building is improved with storage and utility space. The subject property is serviced by a rear parking area which is accessed off of a common alley. Tax records submitted evidenced that the subject building has been assessed over the years and transferred as at least a four unit building continuously and without interruption since approximately 1943. Testimony

and evidence presented substantiates that the building was originally constructed as a four unit apartment building and has been used consistently as a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construction.

Numerous other cases have been considered over the years for nonconforming use in the immediate vicinity. Affidavits from those cases also were introduced by Petitioner and indicate that the Yorkway units were all built at about the same time in 1943 or 1944 as a four unit apartment building. Over the years some buildings have added additional units in the basement area. In almost every case, without exception, nonconforming uses have been granted for at least four units. Case No. 89-103-SPH was decided in September, 1988 for 2532 Yorkway for a similar building in the next block. Additionally, Case Nos. 88-14-SPH and 86-290-SPH found that nonconforming uses existed for at least four apartments since prior to 1945. In the instant case, the Petitioner requests a nonconforming use for the original four apartment units only.

The subject property is located within a group of four buildings which includes 2609, 2611, 2613 and 2615 Yorkway. Each of these buildings was built at the same time and each was originally constructed with four apartments. The property known as 2609 Yorkway was granted a nonconforming use for a four apartment house on October 16, 1986 in Case No. 86-290-SPH by Deputy Zoning Commissioner Jeanne M. H. Jung.

The first issue to be determined in a nonconforming use case is whether or not the property in question was legally and permissibly devel-

oped prior to the statutory change which created the alleged nonconforming status. The four unit apartment building in the instant case was constructed prior to the adoption of the 1945 zoning regulations. This property is often referred to by the Petitioner and in this Opinion as an apartment building. This building is an apartment house as that term was defined in the original Baltimore County Zoning Regulations (B.C.Z.R.). That term was then defined as:

"A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have utility in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities."

There is evidence of heat and public utilities in common and an acceptable number of units. Therefore, the building does comply with the "D" residential zoning placed on the land on January 2, 1945 for an apartment house. "D" residential zoning permitted all uses as provided for under a "C" residential zone and "C" residential zoning permitted apartment houses as a matter of right.

The Petitioner has established that the building existed prior to January 2, 1945 or the beginning of zoning regulations. The Petitioner has also established that the building was acceptable under the "D" residential zoning in place from January 2, 1945 through 1955.

The second principal to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the property. A determination must be made as to whether or not any change that has occurred is a different use and therefore breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered

nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

Clearly, the use of the subject property has not changed since 1943. The property has always been a four unit apartment building and there have been no changes or interruptions in that use. The subject property was also in compliance with the original "D" residential zoning for an apartment house for four (4) apartment units.

The Petitioner does not claim an expansion of this use beyond the original four apartments. The evidence establishes the apartments in the subject building have been occupied continuously and without interruption since approximately 1943.

Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of 2611 Yorkway as a four unit apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve as a legal non-conforming use the following buildings (each with four apartments) located on Yorkway, Baltimore County, Maryland (#2506, #2611, #2613, #2625)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Judith S. Siegel, President

(Type or Print Name)

Landex Corporation

750 Centerville Road, Bldg. 6

Address

Warwick, R.I. 02886

City and State

Signature

9703 Oak Summit Avenue

Address

Baltimore, Maryland 21234

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Essex, Md. 21221

City and State

Name

Address

Phone No.

Attorney's Telephone No.: 301-686-8274

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING: 1 Day (over)
AVAILABLE FOR HEARING:
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHERS
REVIEWED BY: WCR DATE 11/29

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363
J. Robert Haines
Zoning Commissioner

December 29, 1988

Community Development Administration
45 Calvert Street
Annapolis, Maryland 21401
Benton Mortgage Company
5731 Lyone View Drive
Nashville, Tennessee 37919

RE: Yorkway Apartments

Gentlemen:

I have this day taken testimony and evidence with respect to the following Yorkway Apartment Buildings:

2513 Yorkway
2515 Yorkway
2517 Yorkway
2519 Yorkway
2521 Yorkway
2506 Yorkway
2611 Yorkway
2613 Yorkway
2625 Yorkway
2605 Yorkway
2607 Yorkway
2627 Yorkway
2629 Yorkway
2504 Yorkway
2510 Yorkway
2511 Yorkway

Based on the testimony and evidence presented, I am issuing findings of fact and conclusion of law indicating that these buildings all have legal nonconforming uses as four unit apartment buildings.

December 29, 1988
page 2.....

The following properties 2609 Yorkway, 2619 Yorkway, 2527 Yorkway and 2529 Yorkway have all previously been found to have legal nonconforming uses. To my knowledge, there are no zoning violations outstanding on any of these buildings, and they may continue as four unit apartment buildings in conformance with the laws and regulations of Baltimore County.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmn

Douglas L. Kennedy, P.E.
William K. Woody, L.S.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerceville, Suite 175
Baltimore, Maryland 21208

John M. Cosarquis, L.S. (Ret.)

November 29, 1988

(301) 484-0894 / 484-0963

Item #222

PETITIONER/CONTRACT PURCHASER:
LANDEX CORPORATION
250 Centerville Road, Bld. 'F'
Warwick, Rhode Island 02886
Attn: Mr. Judith Siegel
(401) 732-5430

PROPERTY DESCRIPTION TO ACCOMPANY
PETITION FOR SPECIAL HEARING
12th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the first thereof, at a point on the northeasterly line of Yorkway as now laid out 50 feet wide distant 291.88 feet southeasterly measured along the said northeasterly line of Yorkway from the southeasterly line of Leeway as now laid out 60 feet wide, all as shown on "Plat No. 4 DUNDALK", and running thence north 40 degrees 38 minutes 52 seconds east 102.40 feet part of which is distance is intended to be along the center line of a party wall there situate to intersect the southwesterly line of a 14 foot alley there situate and as shown on said plat, thence binding on the southwesterly line of said alley south 49 degrees 17 minutes 40 seconds 38 minutes 52 seconds west 102.35 feet part of which is distance is intended to be along the center line of a party wall there situate to intersect the said northeasterly line of Yorkway, thence binding on the said northeasterly line of Yorkway north 49 degrees 21 minutes 08 seconds west 49.00 feet to the place of beginning; the improvements thereon being known as No. 2611 Yorkway being part of Block No. 9 as shown on a Plat entitled "Plat No. 4 DUNDALK" dated April, 1940 and filed among the Land Records of Baltimore County in Liber C.W.B. No. 12, folio 63.

#2611 YORKWAY Acc. #12-01-074432

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 89-255-SPH
NE/S Yorkway, 320' SE of c/l of Leeway (2611 Yorkway)
12th Election District - 7th Councilmanic
Legal Owner(s): Nathan J. Winslow, et ux
Contract Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2611 Yorkway (four apartments).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1204 Date of Posting: 12/1/88
Posted for: Special Hearing
Petitioner: Landex Corporation - Nathan J. Winslow, et ux
Location of property: NE/S Yorkway, 320' SE of Leeway
2611 Yorkway
Location of Sign: Filing Yorkway, approx 25' from midway, on
N.E. of Yorkway
Remarks: [Signature]
Posted by: [Signature] Date of return: 12/19/88
Number of Signs: 7

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

December 8, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. ROBERT HAINES in the matter of Zoning Arg. - Case 89-255-SPH - P.O. #07731 - Req. #120493 - 80 lines @ \$40.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the same was inserted in the issues of Dec. 8, 1988

Kimbel Publication, Inc.
per Publisher.

By K.C. Oller

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 9, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. appearing on December 8, 1988

THE JEFFERSONIAN

S. Zafie Olan

Publisher

PO 07744
reg 120492
case 89-255-SPH
price \$35.63

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11/29/88 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: Judith S. Siegel, President, Landex Corp.
39 Major Potter Road 250 Centerville Road
Warwick, RI 02886 Building #6

FOR: Filing Fee for Special Hearing (1 of 17) u/c
Items # 216-232 Yorkway Non-conforming apartments

VALIDATION OR SIGNATURE OF CARRIER

NOV 23 00 10 41 N.E. HSDVCLD BY

VETERANS' ATTENTION

THE MOST SENSATIONAL OFFER EVER MADE
BRICK APARTMENT HOUSES
4 Individual Apartments in Each House
EACH APARTMENT HAS

SEPARATE ENTRANCE FROM MAIN BUILDING
LARGE LIVING ROOM 12' x 16' 6" INCHES WIDE BY 11' 6" INCHES LONG
LARGE BEDROOM 12' x 12' 6" INCHES WIDE BY 12' 6" INCHES LONG
LARGE BATHROOM WITH BATH AND BUILT-IN CLOSET
LARGE KITCHEN WITH BUILT-IN CLOSET
LARGE HALL WITH BUILT-IN CLOSET
HOT WATER HEATING PLANT WITH SEPARATE THERMOSTAT IN EACH APARTMENT
SEPARATE STORAGE ROOM IN BASEMENT FOR EACH APARTMENT
LAUNDRY TUBS AND TOILET IN BASEMENT. HARDWOOD FLOORS AND BATH FLOORS.

CHURCHES OF ALL DENOMINATIONS, FLATIRON AND HOODS SHOPPING CENTER NEARBY, AND A NEW MILLION DOLLAR HIGH SCHOOL WITHIN TWO BLOCKS. SALT WATER BEACHES WITHIN FIVE MINUTE RIDE.
COUNTESS HOUSES INCLUDING CHURCH
COUNTESS HOUSES BUILT BY LOWN

BUILT IN 1945 ALL BRICK MATERIALS

CONSTRUCTION OF THESE HOMES WAS SUPERVISED AND INSURED BY FEDERAL HOUSING ADMINISTRATION

IF YOU MAKE A CASH PAYMENT OF \$500.00 AND FINANCE YOUR MORTGAGE UNDER F.H.A. VADEMECUM ADMINISTRATION APPROVED PLAN, YOUR MONTHLY PAYMENTS WOULD BE AS FOLLOWS:

Your rent received from two apartments at \$15.00 per month \$ 30.00
Your rent received from two apartments at \$15.00 per month \$ 30.00
THERE ARE O.P.A. APPROVED RENTS \$ 60.00
TOTAL RECEIVED PER MONTH \$176.00

YOUR MORTGAGE WOULD BE \$176.00 FOR 20 YEAR TERM

YOUR MONTHLY PAYMENT OF THE MORTGAGE WOULD BE \$ 88.00 (Decrease Every Month)

PAIDMENT ON MORTGAGE WOULD BE \$ 88.00 (Decrease Every Month)

1/15 OF YOUR ANNUAL COUNTY TAXES \$ 20.00 (Decrease Every Month)

1/15 OF YOUR FIRE INSURANCE \$ 2.00 (Decrease Every Month)

YOUR TOTAL MONTHLY PAYMENT ON MORTGAGE \$ 110.00

Balance of income left to you after mortgage payment \$ 66.00

YOUR OTHER YEARLY EXPENSES FOR RUNNING THE HOUSE ARE

COAL USED, 10 TONS AT \$10.00 PER TON \$100.00
WATER USED PER YEAR (AVERAGE) \$10.00
ELECTRICITY USED PER YEAR (AVERAGE) \$10.00
MAINTENANCE OF PARKS, PLANTS, HOUSES, ETC. \$10.00
SEWER RENT \$10.00

TOTAL ANNUAL EXPENSES OTHER THAN MORTGAGE \$250.00
DIVIDED BY 12 MONTHS EQUALS PER MONTH \$20.83

AMOUNT LEFT FROM MONTHLY RENT AFTER PAYING MORTGAGE AND ALL EXPENSES \$ 45.17
Add to this the amount you have paid off (total) on your mortgage \$ 22.75
YOUR TOTAL MONTHLY PROFIT \$ 67.92

ON YOU CAN LIVE IN ONE APARTMENT RENT FREE AND STILL HAVE A NICE INCOME

SEE THE FURNISHED SAMPLE APARTMENT 3RD FLOOR 2611 YORKWAY
OPEN DAILY - SATURDAY - SUNDAY - 12 NOON TO 7:00 P.M.
Take 20 car to Dundalk and Liberty Parkway walk to end of 2500 block Liberty Parkway (Leeway) turn left on Leeway 1 block. Sample House on corner.

JEROME J. GENHART, Agent
2334 YORKWAY PHONE DUNDALK 1701

PETITIONER'S
EXHIBIT 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

John B. Gontum, Esq.
809 Eastern Boverland
Essex, Maryland 21221

DEC 12 1988



Dennis F. Rasmussen
County Executive

RE: Petition for Special Hearing
CASE NUMBER: 89-249-SPH thru 89-264-SPH
Your Client: Landex Corporation
Date of Hearing: Thursday, December 29, 1988 at 9:00 a.m.

Dear Mr. Gontum:

Please be advised that \$1,450.00 is due for advertising and posting of the above referenced properties. All fees must be paid prior to the hearings. We not remove the sign and post set(s) from the properties.

THIS FEE MUST BE PAID ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearings are scheduled to begin.

Please note that due to the number of signs to be returned, here will be no need for your client to remove and return the signs, as this office will do same.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Walter Stealey
Ms. Judith S. Siegel
File

* \$90.63 each property

AFFIDAVIT

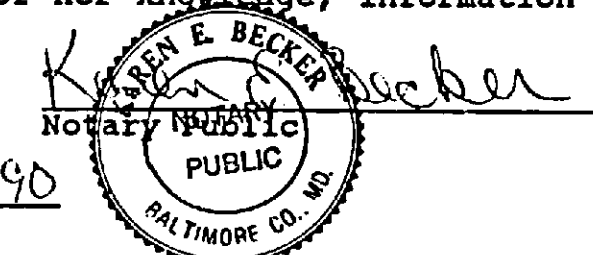
My name is Connie Ports and my address is Apartment B, 2607 Yorkway, Dundalk Maryland 21222. I first moved to the Yorkway area in 1963 and after leaving for a short while, I moved back again in 1971. I have acted as a manager for several of the apartment buildings in the 2600 block of Yorkway and at one time managed 2619 Yorkway. I testified before the Baltimore County Board of Appeals in Case No. 88-14 with respect to 2609 and 2619 Yorkway. It was my testimony at that time under oath, that I have been in all of the buildings along the 2600 block of Yorkway and that they were all identical as four (4) unit apartment buildings, except that some apartments had added an additional apartment in the basement. It was and is my testimony that these buildings were all constructed originally as four (4) bedroom unit apartments and during the familiarity with these apartments for the 1960's up to the present time, these buildings have all been used continuously and uninterruptedly with four (4) apartment units per building.

I solemnly declare and affirm that the above statements are true to the best of my knowledge, information and belief.

Connie E. Ports
CONNIE PORTS

I hereby certify that on this 28th day of December 1988, before me, Notary Public for said State and County, personally appeared CONNIE PORTS, Affiant, and solemnly affirmed under the penalties of perjury and under oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and belief.

My commission expires: 7/1/90



LAW FIRM
ROMADKA,
GONTUM
& HENNEGAN
ESSEX, MARYLAND

PETITIONER'S
EXHIBIT 3B

AFFIDAVIT

My name is James Thompson and I am the Zoning Enforcement Supervisor for the Department of Planning and Zoning in Baltimore County, Maryland. I have been employed in the Zoning Office as a Zoning Enforcement Officer and as a Zoning Inspector for 11 1/2 years. For the past 6 years, I have acted as the Chief of the Zoning Enforcement Section. Over these years, I have become acquainted with the apartment buildings on Yorkway in the Dundalk area of Baltimore County. Numerous violations have been filed against various units on the Yorkway complex for exceeding the permitted number of units within the given zone. A review of the zoning records on the numerous violations which we have researched over the past decade indicates that the apartment units on the 2500 and 2600 block of Yorkway were all built about the same time in 1943 and 1944. The units were all built as four (4) unit apartments. When zoning became effective in January in 1945, these apartment buildings were classified as a Class D residential zone. This zone allowed three (3) units or more per dwelling. However, the original regulations provided for non-conforming uses as follows:

"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such

PETITIONER'S EXHIBIT 4

DATE	PARCEL NUMBER	NAME AND ADDRESS OF OWNER	DESCRIPTION AND LOCATION OF PROPERTY	SQUARE FEET
12/10/88	12-01-0744-32	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-33	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-34	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-35	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-36	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-37	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-38	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-39	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-40	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-41	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-42	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-43	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-44	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-45	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-46	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-47	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-48	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-49	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-50	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-51	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-52	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-53	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-54	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-55	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-56	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-57	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-58	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-59	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000
12/10/88	12-01-0744-60	Yorkway Apartments Inc. - 2534 Yorkway	2534 Yorkway	1,000

PETITIONER'S EXHIBIT 5

10/24/88:819.RG:ECC10239

PETITIONER'S EXHIBIT 6

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 89-103-SPH

AFFIDAVIT

I, Marge Capecci, hereby certify that I am over 18 years of age and competent to testify as follows:

1. I first lived at 2526 Yorkway in 1945 and lived there for approximately two (2) years. We attempted to purchase but were unable to do so and instead rented the property. We then moved to 6918 Honeysuckle, very nearby to this apartment neighborhood, and continued to frequent the Yorkway area to visit family and friends over the course of the next forty (40) years up to the present.

2. I specifically recall the property known as 2534 Yorkway, an end of group, in that same originally contained four (4) apartment dwelling units with a sales office in the basement, which in 1946 or shortly thereafter, was converted to a fifth apartment dwelling unit in the basement.

3. I specifically recall my children playing with the children of families who lived in that basement apartment at 2534 Yorkway, and can state that I have frequently visited 2534 Yorkway

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner
FROM: Pat Keller, Deputy Director
SUBJECT: Landex Corporation
Zoning Petition Nos. 89-249-I thru 89-264-X

The applicant is requesting a special hearing to establish four apartment units within 19 buildings, the majority of which constitute York Park as shown on the applicant's site plan dated October 20, 1988. It is not clear from the applicant's submittal if buildings 2615, 2609, 2527 and 2529 are included in this request. Baltimore County has been involved with various improvements to this project. Money has been utilized in the past to rehabilitate and upgrade apartments within this project. There has also been an effort to clean up the railroad right-of-way that is located along the rear of block No. 9. Staff has no detailed comments or recommendation regarding this request.

FR/sf

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 86-290-SPH

The Petitioners herein request a Special Hearing to determine whether or not approval should be granted for the non-conforming use of 2609 Yorkway as a four apartment building since 1945, and furthermore, the non-conforming use of two additional apartments in existence since 1951.

Pursuant to the advertisement and posting of the above referenced property, a public hearing on the Petition was held on January 28, 1986, at which time one of the Petitioners testified that six apartments had been rented continuously since his purchase of the property in 1980. A witness testified that both basement apartments were occupied from spring to fall of 1957.

Two Protestants testified that the building was constructed for four apartments. One of the Protestants testified that the building was constructed in 1945; that in 1963 he was aware of one basement apartment; and that currently he can see a cat living in another basement apartment. The other Protestant testified that through the years, he gradually became aware that there were basement apartments in the neighborhood.

At the request of the Petitioner, the case was continued. The file indicates that the Petitioner would contact the Deputy Zoning Commissioner within 60 days to arrange a date to continue the case. The file includes copies of both a July and a September letter from the Deputy Zoning Commissioner asking that the Petitioner request either a continuation or a dismissal of the case. At this time, no such request has been noted.

PETITIONER'S EXHIBIT 8

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

Building Address: 2501 Yorkway
Owner Name: York Park Associates
Mailing Address: 2501 Yorkway, P.O. Box 1000, Baltimore, MD 21204

Permit Description: 115 NEWEST
Amplifier Construction Co. Inc. 115 NEWEST
Mansfield & Associates Ltd. 2255 N. Calvert St. 21204
Nathan Winslow 9703 Summit Blvd 21234

A. TYPE OF IMPROVEMENT
1. MAINTENANCE
2. ALTERATION
3. ADDITION
4. REMOVAL
5. REPAIR
6. RECONSTRUCTION
7. OTHER

B. TYPE OF USE
1. RESIDENTIAL
2. COMMERCIAL
3. INDUSTRIAL
4. OTHER

C. TYPE OF CONSTRUCTION
1. MAINTENANCE
2. ALTERATION
3. ADDITION
4. REMOVAL
5. REPAIR
6. RECONSTRUCTION
7. OTHER

D. TYPE OF WATER SUPPLY
1. PUBLIC SYSTEM
2. PRIVATE SYSTEM
3. OTHER

E. RESIDENTIAL ONLY
1. SINGLE FAMILY UNITS
2. MULTI-FAMILY UNITS
3. OTHER

F. DIMENSIONS
1. BUILDING SIZE
2. LOT SIZE
3. SETBACKS
4. OTHER

G. I HAVE CAREFULLY READ THE APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT I HAVE THE FULL AND COMPLETE AUTHORITY OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER THEY BE PROVIDED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

December 20, 1988



Judith S. Siegel, President
2501 Yorkway Road
Building Six
Warwick, Rhode Island 02886

RE: Case Numbers 89-249-SPH through 89-264-SPH - Yorkway

Dear Ms. Siegel:

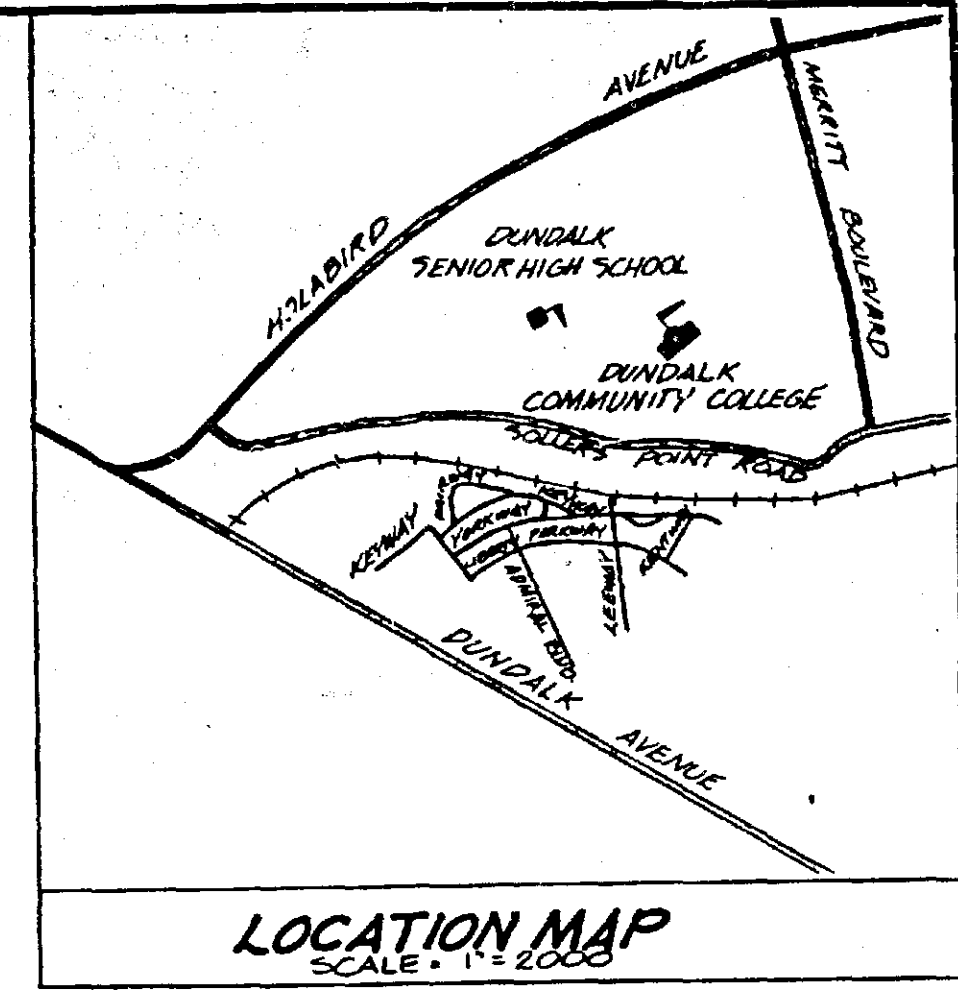
Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 16 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior to January 2, 1945 that obviously an apparent nonconforming use existed at one time. Due to the extreme emergency of your mortgage obligations prior to December 31, 1988, I will provisionally approve the building permits subject to a final determination upon presentation of evidence in the hearing on December 29th. The 16 cases have been advertised and a hearing will occur on the 29th which will allow any protestants to provide any evidence in opposition to the existence of the nonconforming use.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:scj

PLAT NO. 4 OF "DUNDALK"
C.W.B. JR. 12, FOLIO 63



LOCATION MAP
SCALE: 1" = 200'

SITE DATA

- EXISTING ZONING D.R. 10.5
 - PROPOSED ZONING D.R. 10.5
 - ALL BUILDINGS SHOWN HEREON ARE EXISTING 2-STORY BRICK APARTMENT BUILDINGS CONTAINING 4-1 BEDROOM UNITS EACH.
 - PUBLIC WATER AND SANITARY SEWER PRESENTLY SERVE THIS SITE
 - OFF-STREET PARKING REQUIRED:
60-2 BR UNITS x 1.25 = 75
20-1 BR UNITS x 1.25 = 25
100 PARKING SPACES
- OFF-STREET PARKING PROVIDED: 0 PARKING SPACES

ADDRESS	OWNER	DEED REFERENCE	ACC. #
* 2504 YORKWAY	YORKWAY PARTNERSHIP	EHK JR 6361-394	12-12-061010
* 2506 YORKWAY	NATHAN J. WINSLOW ALICE E. WINSLOW	EHK JR 6338-42	12-08-004230
* 2510 YORKWAY	GRIFFITH H. DAVIS	OTG 5280-112	12-10-25250
* 2511 YORKWAY	CARL J. VERSTANDIG DENISE VERSTANDIG	EHK JR 6900-206	12-08-056200
* 2513 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-13-043440
* 2515 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-08-002842
* 2517 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-13-043441
* 2519 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-13-043442
* 2521 YORKWAY	RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI	EHK JR 6873-534	12-13-043443
2527 YORKWAY	YORKWAY PARTNERSHIP	EHK JR 6361-394	12-18-049050
2529 YORKWAY	YORKWAY PARTNERSHIP	EHK JR 6361-394	12-02-073350
* 2605 YORKWAY	LOUIS PUGLESE MARY JOAN PUGLESE	EHK JR 7117-127	12-11-047661
* 2607 YORKWAY	LOUIS PUGLESE MARY JOAN PUGLESE	EHK JR 7105-391	12-01-069120
2609 YORKWAY	JOSEPH R. KAPICHAP	SM 7572 - 350	12-11-001230
* 2611 YORKWAY	NATHAN J. WINSLOW ALICE C. WINSLOW	EHK JR 6052-248	12-01-074432
* 2613 YORKWAY	NATHAN J. WINSLOW ALICE C. WINSLOW	EHK JR 6052-257	12-01-074431
* 2619 YORKWAY	JOSEPH R. KAPICHAP	SM 7596 - 244	12-11-047740
* 2625 YORKWAY	NATHAN J. WINSLOW ALICE C. WINSLOW	EHK JR 6052-265	12-18-049053
* 2627 YORKWAY	MICHAEL KOZLOWSKI ELIZABETH KOZLOWSKI GLENN WILLIAM DAVIS JOHN JOSEPH DAVIS	EHK JR 6826-204	12-18-049970
* 2629 YORKWAY	MICHAEL KOZLOWSKI ELIZABETH KOZLOWSKI GLENN WILLIAM DAVIS JOHN JOSEPH DAVIS	EHK JR 6726-204	12-18-049111

PRINT DATE
DEC 27 1988
KCW CONSULTANTS, INC.

* PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING

SITE PLAN

YORK PARK

12TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 50' OCTOBER 20, 1988 DWG. G-1

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerce Centre, Suite 175
Baltimore, Maryland 21208
(301) 484-0963

DEVELOPER:
LANDEX CORPORATION
250 CENTERVILLE RD. BLDG. F
WARWICK, RHODE ISLAND 02886
ATTN: MS. JUDITH SIEGEL
(401) 732-5430

REVISED FRONT SETBACKS, 12/27/88
FINAL SET: 12/4/88